

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Encore Operating LP and William A.
Stewart d/b/a William A. Stewart &
Associates,

Plaintiffs,

vs.

Evertson Operating Company, Inc.,
Evertson Well Service, Inc., Evertson
Exploration, LLC, Evertson Oil Company,
Inc., Evertson Limited Family Partnership,
Evertson Management, Inc., Evertson
Energy Partners Royalty, LLC, Castronics,
Inc., and Everair, LLC,

Defendants.

**ORDER MODIFYING AND
EXTENDING TEMPORARY
RESTRAINING ORDER**

Case No. 1:06-cv-088

The parties have stipulated to a modification and extension of the Court's November 22, 2006 Order Granting Ex Parte Temporary Restraining Order.

IT IS ORDERED that the parties shall appear in Courtroom One of the U.S. District Court for the District of North Dakota on Tuesday, January 9, 2007, at 9:00 a.m. to show cause under Rule 65 of the Federal Rules of Civil Procedure why they, their agents, successors, assignees, principals, employees, attorneys, and representatives should not be restrained and preliminarily enjoined during the pendency of this action, from engaging in, committing, or performing directly and indirectly, any and all of the following acts:

- A. Disseminating or utilizing for any purpose except as necessary for the defense of this action, information, documents or any data received from the plaintiffs, Encore Operating LP or William A. Stewart, d/b/a William A. Stewart & Associates or their agents and employees;

- B. Conducting any land title work or oil and gas leasing in the Prospect Area in Bowman County, North Dakota, and Fallon County, Montana (the "Prospect Area"), until further order of the Court; and
- C. Discarding, destroying or deleting any documents related to the Prospect Area that are in the Defendants' possession or under their control including any documents, data, or information received from either of the Plaintiffs or their agents or employees.

IT IS FURTHER ORDERED that pending the hearing and a determination of the foregoing Order to Show Cause the Defendants may:

- A. Send the leases currently in its possession to the counties for recording; and
- B. Send its lessor a check covering the bonus amount of the signed oil and gas lease returned by its lessor.

IT IS FURTHER ORDERED that except for the activities noted above, pending the hearing and a determination of the foregoing Order to Show Cause, and continuing thereafter until January 12, 2007, and thereafter as may be ordered by Court following said hearing, the Defendants and their counsel, agents, or representatives, shall be preliminarily enjoined from engaging in, committing, or performing directly and indirectly, any and all of the following acts:

- A. Disseminating or utilizing for any purpose information, documents or data of any sort received from the plaintiffs, Encore Operating LP or William A. Stewart, d/b/a William A. Stewart & Associates, or their agents and employees, including obtaining any further title work from Blue Diamond, LLC, Stephen Morris, Terina Bailey or Joann Nelson;

- B. Conducting any land title work or oil and gas leasing in the Prospect Area in Bowman County, North Dakota, and Fallon County, Montana, described as:

Bowman County, North Dakota

Township 129 North, Range 106 West

Township 129 North, Range 107 West

Fallon County, Montana

Township 3 North, Range 61 East

Township 3 North, Range 62 East

Township 4 North, Range 60 East

Township 4 North, Range 61 East

Township 4 North, Range 62 East

Township 5 North, Range 60 East; and

- C. Discarding, destroying or deleting any documents related to the Prospect Area that are in the Defendants' possession or under their control including documents, data or information received from either of the Plaintiffs or their agents or employees;

IT IS FURTHER ORDERED that Plaintiff shall deliver to counsel for the Defendants unredacted copies of the Affidavit of Linda Johansson, Affidavit of Mark Carter, Affidavit of Darin Johnson, Sealed Motion for Temporary Restraining Order, and Brief in Support of Sealed Motion.

IT IS FURTHER ORDERED that pending the hearing and a determination of the foregoing Order to Show Cause, and continuing thereafter, the Defendants shall keep the affidavits of Linda Johansson, Darin Johnson and Mark Carter, along with the Sealed Motion for a Temporary Restraining Order, Brief in Support of Sealed Motion, the Court's November 22, 2006 Ex Parte Order Granting the Sealed Motion, and this Order Modifying and extending the November 22, 2006 Temporary Restraining Order, confidential and shall not share, disseminate, or provide such pleadings to any other person or entity other than their attorneys and the other attorneys of record and parties in this action or in Case No. 1:06-cv-00086, and such other consultants, witnesses, expert

witnesses, and other parties as may be necessary to enable the Defendants to prepare for the hearing.

IT IS FURTHER ORDERED that except for the limited disclosure noted above, pending the hearing and a determination of the foregoing Order to Show Cause, and continuing thereafter, the affidavits of Linda Johansson, Darin Johnson and Mark Carter along with this Ex Parte Temporary Restraining Order shall remain sealed pending a determination of the underlying action unless ordered disclosed by the Court.

IT IS FURTHER ORDERED that the bond filed with the Clerk of Court in the amount of \$10,000 by Encore as security for payment of costs and damages suffered by any party who is found to have been wrongfully enjoined or restrained, shall remain in effect until further order of the Court.

Dated this 19th day of December, 2006.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge
United States District Court